

780 CMR: STATE BOARD OF BUILDING REGULATIONS AND STANDARDS
THE MASSACHUSETTS STATE BUILDING CODE

erection of a manufactured buildings constructed pursuant to 780 CMR 35.00 and 780 CMR 110.R3. For the purposes of 780 CMR 108.3.5, a "Homeowner" is defined as follows: Person(s) who owns a parcel of land on which he/she resides or intends to reside, on which there is, or is intended to be, a one or two family dwelling, attached or detached structures accessory to such use and/or farm structures. A person who constructs more than one home in a two-year period shall not be considered a home owner.

Note: Any Licensed Construction Supervisor who contracts to do work for a home owner shall be responsible for performing said work in accordance with 780 CMR 110.R5: *Construction Supervisors* and all reference standards and/or manufacture's recommendations, whether or not the licensed contractor secured the permit for said work.

108.3.5.2 Exemptions from Construction Supervisor License Requirement. A construction supervisor's license is not required for:

1. erection of rooftop solar collectors, construction of above ground swimming pools, the erection of signs, the erection of tents; insulating of the building thermal envelope and the insulating of other systems or portions thereof, required by 780 CMR;
2. projects which are subject to construction control (780 CMR 116.0);
3. agricultural buildings which are not open to the public or otherwise made available for public use;
4. Massachusetts registered engineers and Massachusetts registered architects provided such engineers and/or architects comply with the Construction Supervisor oversight requirements set forth in 780 CMR R5 generally and 780 CMR R5.2.12, as applicable;
5. the practice of any trade licensed by agencies of the commonwealth (see M.G.L. c. 112, §81R), provided that any such work is within the scope of said license, including, but not limited to wiring, plumbing gas fitting, fire protection systems, pipefitting, HVAC and refrigeration equipment.

108.3.5.3. No municipality shall be prohibited from requiring a license for those individuals engaged in directly supervising persons engaged in construction, reconstruction, alteration, repair, removal or demolition in those categories of building and structures for which the BBRS does not require a license, provided that those municipalities which have established licensing requirements for construction supervisors prior to January 1, 1975, may maintain their existing licensing requirements.

108.3.6 Registration of Home Improvement Contractors. In accordance with the provisions of M.G.L. c. 142A, no home improvement contractor, or organization or firm shall be involved in the improvement of any existing owner occupied one to four family residential building unless said home improvement contractor has registered with the BBRS in accordance with the rules and regulations for the registration of Home Improvement Contractors as set forth in 780 CMR 110.R6: *Registration and Enforcement of Home Improvement Contractor Program*.

108.3.7 Certification of Inspectors of Buildings, Building Commissioners and Local Inspectors; Except as allowed for conditional appointees, no individual shall perform the duties of a municipal inspectors of buildings, building commissioners or local inspectors unless certified by the BBRS as set forth in 780 CMR 110.R7: *Certification of Inspectors of Buildings, Building Commissioners and Local Inspectors*.

108.4 Enforcement. Whoever violates the provisions of 780 CMR 108.0 or any rules and regulations promulgated hereunder, or who falsifies or counterfeits a license, registration or certification issued by the BBRS, or who fraudulently issues or accepts such a license, registration or certification shall be punished as provided in 780 CMR 118.0 and/or shall be subject to any other penalty provided for by law.

780 CMR 109.0 APPROVAL

109.1 Approved Materials and Equipment. All materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

109.2 Used Materials and Equipment. Used materials, equipment and devices which meet the minimum requirements of 780 CMR for new materials, equipment and devices shall be permitted; however, the building official may require satisfactory proof that such materials, equipment and devices have been reconditioned, tested, and/or placed in good and proper working condition prior to approval.

109.3 Minor Modifications. Wherever there are practical difficulties involved in carrying out minor provisions of 780 CMR, the building official shall have the authority to grant modifications for individual cases, provided the building official shall first find that special individual reasons make the strict letter of 780 CMR impractical and the modification is in compliance with the intent and purpose of 780 CMR and that such modification does not affect health, life, fire safety, means of egress, or structural requirements. The details of actions granting modifications shall be recorded and